

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4252 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

SURESHBHAI M. TIWARI

Versus

STATE OF GUJARAT

Appearance:

MR BS PATEL for Petitioner

MR HL JANI, AGP for respondents Nos.1,2 and 3.

MR BT RAO, Addl Standing Counsel for respondent
No.4.

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 30/07/98

ORAL JUDGEMENT

The petitioner, who is detained by an order of detention dated 24-3-98, by way of this petition under Article 226 of the Constitution of India has challenged the said order of his detention passed by the District Magistrate, Narmada (Rajpipla) .

Since this petition is required to be allowed on

the first contention raised by Mr. B.S.Patel for the petitioner that the petitioner has not been supplied with the legible documents alongwith the order of detention and the grounds of detention, the right of the petitioner to make an effective representation against his detention guaranteed under Article 22(5) of the Constitution of India has been infringed , it is not necessary for me to refer to and deal with the other contentions raised by Mr. Patel and to re-narrate the allegations made in the grounds of detention.

Mr. Patel, learned Advocate for the petitioner has invited my attention to the representation made by the petitioner to the Chairman , Advisory Board, a xerox copy of which was sent to the Additional Chief Secretary, Civil Supplies and Consumer Affairs department, New Sachivalaya, Gandhinagar and Secretary to the Government of India, Ministry of Civil Supplies, Consumer Affairs and Public Distribution, Shashtribhavan, New Delhi, wherein it is specifically alleged that paragraphs 8 and 9 of page 46 are totally illegible. It is further pointed out that the statement of consumer Rameshbhai Mali and particularly last paragraph thereof is also not legible . A further grievance is made that pages 23,25 and 37 whereon official seal is affixed and signatures are made are also not legible. I have gone through these pages and I am of the view that they are not legible and therefore the petitioner was deprived of his right to make an effective representation guaranteed under Article 22(5) of the Constitution of India, especially when the petitioner had made grievance in his representation in respect of trhe same .

In the result the petition is allowed. The order dated 24-3-98 passed is quashed and set aside. The detenu Sureshbhai M.Tiwari is ordered to be released forthwith if not required in connection with any other offence. Rule is made absolute accordingly with no order as to costs.

Verified copy